

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAYENDRA SHAH,

Plaintiff,

- against -

12-cv-4276 (ERK) (RLM)

MTA NEW YORK CITY TRANSIT, an  
agency of the METROPOLITAN  
TRANSPORTATION AUTHORITY, STATE OF  
NEW YORK, JOHN DOES 1-10, AND JANE  
DOES 1-10,

Defendants.

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**DECLARATION OF DAVID KNIGHTS**

David Knights declares under the penalties of perjury:

1. I began my career at the New York City Transit Authority ("Transit Authority") in 1981. Over the years I worked primarily in the Division of Track & Infrastructure, leaving the Transit Authority for several years to become a consultant on railroad construction projects. I returned to the Transit Authority in April 2008 as the Chief Officer of Track & Infrastructure.

2. Prior to that, in 2007, Howard Roberts was appointed President of the Transit Authority and began reorganizing the Department of Subways. His vision was that all aspects of rail service - Rapid Transit Operations ("RTO"), Car Equipment, Track & Infrastructure, Signals and Stations - would become integrated. Rather than having these aspects of rail service managed separately, by teams of employees from the several Divisions, Roberts wanted a system where all of these components of rail service were coordinated, by subway line, by a single Line General Manager ("LGM"). Roberts implemented this

reorganization, known as the Line Program, in three phases. He began with a pilot program on the two subway lines that did not share tracks or stations with other lines - the L and 7 ("Pilot Program").

3. In 2008 the Line Program was expanded to include all IRT lines in addition to the L. In August 2008 the Human Resources department posted a Job Vacancy Notice for the position Group General Manager ("GGM"). GGMs were responsible for the lines included in each Group - IRT East, IRT West, BMT, IND/BMT and IND - and supervised those lines' LGMs.

4. I applied for the position and was interviewed by Roberts, Steve Feil and Judith Pierce. I was promoted to GGM, effective October 20, 2008, and was responsible for the IRT East; Brusati, who had been the LGM for the 7 Line during the Pilot Program, was also hired as a GGM and was assigned the IRT West.

5. To the best of my knowledge, it was at this time that the position of Deputy Line General Manager ("DLGM") was created to help each LGM run his or her subway line. This was a high-level managerial position that, using the Hay operational evaluation system, was rated equivalent to most General Superintendent positions, including those in the Division of Car Equipment.

6. Human Resources posted JVN's for LGMs and DLGMs for the IRT phase of the rollout of the Line Program in August 2008. Brusati and I received resumes and interviewed qualified applicants. Our goal, in choosing LGMs and DLGMs for the initial rollout, was to create a balanced management team by selecting

experienced individuals with expertise in the different Divisions of the Department of Subways. We were open to hiring people with experience from outside the Transit Authority and, when considering internal applicants, looked for people who might have been overlooked in the past because of the prior management structure and the resistance to innovation that was present in some Divisions.

7. The applicant pool for LGM and DLGM positions was comprised of high level managerial employees including Assistant Chief Officers from all of the Divisions. Most of our qualified applicants had over 20 years of experience with the Transit Authority, other Metropolitan Transportation Authority agencies (such as the Long Island Rail Road) and both public and private transportation companies and consulting firms. We were highly selective in making our decisions, in part because we wanted to ensure that the Line Program succeeded and in part because we had so many extremely highly qualified applicants.

8. Ultimately Brusati and I chose Gricelda Cespedes (Assistant Chief Stations Officer), Demetrius Crichlow (MTA Special Assistant for Operations, RTO), John Hoban (Special Assistant to the President with experience in facilities, planning and development and RTO), Herbert Lambert (Assistant Chief Transportation Officer, RTO) and Robert Smith (Assistant Chief Mechanical Officer, Car Equipment) as LGMs. Roberts had been highly impressed by Cespedes and Lambert during the initial Pilot Program interviews and had told Brusati and me that both

should become LGMs for the IRT rollout.

9. Brusati and I chose Dwayne Anglero (Acting General Superintendent, RTO), John Doherty (General Superintendent, Emergency Response Unit in Car Equipment), Frank Jezycki (General Superintendent, MOW Hydraulics), Joseph Leader (Assistant Chief Track Officer), Paul McPhee (Operations Manager, RTO), Melvin Oliver (Line Superintendent, RTO) and Deirdre Taylor (Zone Superintendent, Stations) as DLGMs.

10. While Mr. Shah had many years of experience in Car Equipment as a General Superintendent, Robert Smith had more and, additionally, had been working as the Assistant Chief Mechanical Officer, a higher position. John Doherty, also from Car Equipment, had decades of experience with work cars (for example revenue cars, flat cars, snow throwers and de-icers) as well as with Car Equipment's Emergency Response Unit; Mr. Shah had little or no experience with either of these functions while working in Car Equipment.

11. During this period Brusati and I also interviewed candidates for the position of Maintenance General Manager ("MGM"). This position involved the area of train operations that encompasses Signals, Track and related fields whose function it is to ensure that trains can safely move along their designated lines without incident. Because my background was in Track & Infrastructure, Brusati and I chose Tracey Bowdwin and Warren Tobin, both Assistant Chief Signals Officers, as our MGMS for the IRT rollout. I worked with Tobin and Brusati worked with

Bowdwin. Because of the interconnected nature of the Transit Authority's subway lines, the role of the MGM was to oversee and maintain the track, signals and other infrastructure used by each Group's lines. Mr. Shah was not even qualified for these positions as his background was solely in Car Equipment. He had never worked in either Signals or Track and so was not qualified to be an MGM.

12. Human Resources reposted the JVN's for the Line Program so we could hire additional LGMs, DLGMs and MGMs for the full rollout of the program. Brusati and I made the hiring decisions for these positions in consultation with the other, newly-named GGMs: Gricelda Cespedes, Tracey Bowdwin and Greg Lombardi. Cespedes and Lombardi had been working with the Line Program from the beginning; Bowdwin, an MGM during the IRT rollout, had the Signals expertise that, until then, was lacking in our GGM team.

13. As we selected LGMs and DLGMs, our goal was to create diverse, well-balanced management teams. We had done, and were continuing to do, customer surveys to determine what aspects of subway service were most important to our riders. Based on those results our biggest areas of concern were RTO (getting passengers to their destinations safely and on time), Track, Signals and Stations.

14. In order to make sure that all of our customers' needs would be met, our goal was for each Group to have LGMs and DLGMs from each Division, with no individual subway line having both a LGM and DLGM from the same Division. Over 200 people applied to

become LGMs and DLGMs and, as with the IRT rollout, many of these applicants were at the top of their respective Divisions. We ultimately created five teams of LGMs, DLGMs and MGMs that we thought were balanced in terms of expertise and experience. In creating our Groups we also wanted to include people from all backgrounds, including both those who had worked their way up from hourly positions without benefit of a college degree and those, such as myself, who had earned degrees in disciplines such as engineering. We recognized that many extremely intelligent and innovative employees had never had the benefit of a college education and wanted to be sure that they, too, were given opportunities to share their experience and unique perspectives as part of the Line Program.

15. After much debate and consideration the other GGMs and I selected 14 new LGMs for the full rollout of the program: Dwayne Anglero (prior DLGM, RTO), John Doherty (prior DLGM, Car Equipment), Pamela Elsey (General Superintendent, RTO work train unit), Frank Jezycki (prior DLGM, Hydraulics), Joseph Joyce (General Superintendent, Electro-Mechanical Infrastructure), Evelyn Koehler (Line Superintendent, RTO), Joseph Leader (prior DLGM, Track), James Leopard (Senior Director Operations Support and Planning, prior Car Equipment experience), Paul McPhee (prior DLGM, RTO), Stephone Montgomery (MTA/LIRR), Melvin Oliver (prior DLGM, RTO), Joseph Ragusa (Pilot Program, Car Equipment), Dierdre Taylor (prior DLGM, Stations), Peter Velasquez (Assistant Chief Infrastructure Officer, Electrical and Mechanical) and Thomas

Wehrman (General Superintendent, Car Equipment). Although Tom Wehrman was a General Superintendent in Car Equipment just as Mr. Shah was, he had experience working in both maintenance and overhaul shops; Mr. Shah's experience was only in maintenance shops (the two shops perform different types of work on subway cars). Wehrman also had experience working as an acting ACMO, which Shah did not have.

16. We also selected 17 DLGMs: Anthony Bartolotta (RTO), Joseph Bromfield (Car Equipment), Paul Camera (Signals), John Chandy (Car Equipment), Vito Delio (RTO), Jeannie Kwon (Administration), William Matheson (Stations), Daniel Mazzella (Administration), Michael O'Halloran (Infrastructure), James Parro (Signals), Tracy Pruitt (Stations), Javier Rocha (Hydraulics), Terri Rumph (Track), Jayendra Shah (Car Equipment), Joseph Tasiello (Car Equipment), Mark Totillo (Signals) and Linda White (Stations).

17. We also chose three additional MGMs: two with Signals experience - Alan Doran and Patrick Sohan - and one, Daniel Ronnan, from Track. Bowdwin, whose background was in Signals, chose Daniel Ronnan for his Group specifically because of Ronnan's expertise with track and hydraulics.

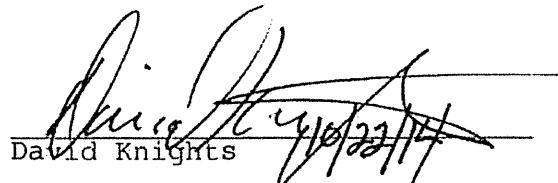
18. My Group - the IRT East - consisted of Tobin (Signals) as my MGM, Montgomery (MTA/LIRR), Smith (Car Equipment) and McPhee (RTO) as my LGMs and Kwon (Admin.), Delio (RTO) and Tassiello (Car Equipment) as my DLGMs.

19. Brusati chose Mr. Shah for his Group. Mr. Shah's LGM

was Peter Velazquez, formerly the Assistant Chief Infrastructure Officer for the Electro-Mechanical Division of Track & Infrastructure. Other people in Brusati's Group included LGMs Taylor (Stations), Anglero (RTO) and Elsey (RTO) as well as DLGMs Parro (Signals), Rumph (Track) and Chandy (Car Equipment).

20. At no point did I consider Mr. Shah's race or national origin when I decided not to hire him as an MGM, LGM or sooner in the program as a DLGM. Nor did I give any consideration to the fact that Mr. Shah had filed a discrimination complaint, as I was not aware at the time that he had done so. None of the other GGMs - indeed, no one involved in the Line Program in any manner - said or did anything to suggest that they were considering Mr. Shah's race or national origin during this process, nor did anyone indicate that they knew about his complaint and were influenced by it.

Dated: Brooklyn, New York  
October 22, 2014



David Knights